

HONORABLE DAVID G. ESTUDILLO

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COLUMBIA RIVERKEEPER,

Plaintiff,

v.

NORTH PACIFIC PAPER COMPANY, LLC,

Defendant.

Case No. 3:22-cv-05123-DGE

JOINT MOTION FOR ENTRY
OF CONSENT DECREE

NOTE ON MOTION CALENDAR:
September 9, 2022

Plaintiff Columbia Riverkeeper (“Riverkeeper”) and Defendant North Pacific Paper Company, LLC (“NORPAC”) have agreed to settle this case. Accordingly, Riverkeeper and NORPAC (collectively, the “Parties”) hereby jointly move the Court to enter the proposed Consent Decree filed herewith after the conclusion of the waiting period imposed by the Clean Water Act (“CWA”).

Riverkeeper filed this action under the citizen suit provision of the CWA, 33 U.S.C. § 1365, alleging that NORPAC is in ongoing violation of the National Pollutant Discharge Elimination System permit applicable to NORPAC’s facility located at or near 3401 Industrial Way, Longview, Washington 98632. The Parties have now agreed to settle this matter, and the proposed Consent Decree filed herewith memorializes the Parties’ agreement. The Parties now request entry of their proposed Consent Decree as an order of the Court because it is fair,

reasonable, equitable, and does not violate the law or public policy, and it comes within the scope of the pleadings and furthers the broad objectives upon which Riverkeeper's Complaint is based. *Sierra Club, Inc. v. Elec. Controls Design, Inc.*, 909 F.2d 1350, 1355 (9th Cir. 1990).

The Consent Decree may not be entered as an order of the Court until forty-five days after receipt of it by both the Administrator of the U.S. Environmental Protection Agency and the U.S. Attorney General. *See* 33 U.S.C. § 1365(c)(3); 40 C.F.R. § 135.5. Accordingly, after filing this motion, counsel for Riverkeeper will serve copies of the proposed Consent Decree on the U.S. Attorney General, the Administrator of the U.S. Environmental Protection Agency, and the Administrator of Region 10 of the U.S. Environmental Protection Agency. The noting date for the Court's consideration of this matter has been scheduled accordingly.

For the foregoing reasons, the Parties respectfully request entry of their proposed Consent Decree, filed herewith, as an order of the Court.

RESPECTFULLY SUBMITTED this 22nd day of July 2022.

KAMPMEIER & KNUSTEN, PLLC

TONKON TORP, LLP

By: s/ Brian A. Knutsen
 Brian A. Knutsen, WSBA No. 38806
 1300 S.E. Stark Street, Suite 202
 Portland, Oregon 97214
 Tel: (503) 841-6515
 Email: brian@kampmeierknutsen.com

By: s/ Anna Sortun
 Caroline Harris Crowne, WSBA No. 42329
 Anna Sortun, WSBA No. 45279
 888 S.W. Fifth Avenue, Suite 1600
 Portland, Oregon 97204
 Telephone: (503) 802-2056
 Email: caroline.harris.crowne@tonkon.com
 anna.sortun@tonkon.com

COLUMBIA RIVERKEEPER

Simone Anter, WSBA No. 52716
 2621 Wasco Street, Suite A
 Hood River, Oregon 97031
 Tel.: (541) 399-5312
 Email: simone@columbiariverkeeper.org

*Attorneys for Defendant North Pacific Paper
 Company, LLC*

Attorneys for Plaintiff Columbia Riverkeeper